

REMARKS:

INTRODUCTION:

In accordance with the foregoing, the specification and claims 1,9, and 18 have been amended. New claims 19-33 have been added. No claims have been cancelled, but claims 6-7 and 15-16 are withdrawn as directed to non-elected species. Claims 1-5, 8-14, and 17-33 are pending and under consideration.

No new matter is being presented, and approval and entry of the foregoing amendments and new claims are respectfully requested.

SPECIFICATION:

In the Office Action, at page 2, item 4, the Examiner requested a more descriptive title. A new title has been proposed pursuant to this Amendment.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action at pages 3-5, item 6, the Examiner rejects claims 1-4, 10-12, and 17 under 35 U.S.C. §102 in view of Palum. (U.S. Patent No. 5,335,091). This rejection is respectfully traversed and reconsideration is requested.

"Anticipation requires the presence in a single prior art reference the disclosure of each and every element of the claimed invention, arranged as in the claim. Lindemann Maschinenfabrik GMBH v. American Hoise and Derrick Co., 221 USPQ 481, 485 (Fed. Cir 1984). The Patent Office has the burden of making out a prima facie case, which requires it to produce the factual basis for its rejection in an application under §§102 and 103. In re Warner, 154 USPQ 173, 177 (CCPA 1967).

Claim 1 has been amended to recite "a position detector having a first member mounted on the photographic lens member and a second member mounted on the board to detect a relative position of the photographic lens member and the board." Palum fails to teach or disclose this feature. Additionally, Palum does not even contemplate vibration reduction as in the present invention, including, in particular, the advantages of the invention of achieving a more compact image-capturing device with a vibration reduction feature. As such, it is respectfully submitted that Palum does not disclose or suggest the invention as recited in independent claim 1.

Claims 2-4, 10-12, and 17 are deemed patentable due at least to their depending from independent claim 1.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action at pages 5-10, item 8, the Examiner rejects claims 5, 8, 9, and 18 under 35 U.S.C. §103 in view of Palum and Nobuhiro (JP07-248522). The rejection is respectfully traversed and reconsideration is requested.

A prima facie §103 rejection must both set forth a modification of a reference or references based on evidenced motivation and properly detail that each and every claimed feature is disclosed by the same modified reference or references. Claims 5, 8, and 9 depend upon claim 1, which recites "a position detector having a first member mounted on the photographic lens member and a second member mounted on the board to detect a relative position of the photographic lens member and the board." This feature is neither taught by Palum nor Nobuhiro.

As discussed above, Palum does not consider vibration reduction or the use of position detectors. Although Nobuhiro shows the use of a position sensor as cited by the Examiner (paragraph 0004), Nobuhiro fails to show a position detector that has a first member mounted to the lens and a second member mounted on the board as recited in amended independent claim 1. Nobuhiro merely shows that the position sensor is mounted to the "lens barrel." There is nothing in Nobuhiro that teaches or suggests a second member that is mounted on the board to detect the relative position of the photographic lens member and the board. This configuration allows the space between the lens member and the printed circuit board to be utilized efficiently and allows for the miniaturization of the vibration proofing mechanism. Additionally, the position detectors can be electrically wired with ease and the components can be mounted more easily to greatly facilitate the assembly process. None of these aspects are contemplated by either Palum or Nobuhiro. It is respectfully submitted that a required prima facie §103 rejection of claims in the present application has not been presented in the outstanding Office Action.

As such, it is respectfully submitted that the combination of Palum and Nobuhiro does not disclose or suggest "a position detector having a first member mounted on the photographic lens member and a second member mounted on the board to detect a relative position of the photographic lens member and the board" as recited in claim 1. For similar reasons, it is respectfully submitted that, since the combination does not disclose or suggest the invention recited in claim 1, the combination does not disclose or suggest the inventions recited in claims 5, 8, and 9, which depend from claim 1. Additionally, it is respectfully submitted that, since amended independent claim 18 contains similar features to amended independent claim 1 as described above, the combination does not disclose or suggest the invention recited in claim 18.

In the Office Action at pages 10-11, item 9, the Examiner rejects claims 13 and 14 under 35 U.S.C. §103 in view of Palum and Chigira (U.S. Pat. No. 5,831,671). The rejection is respectfully traversed and reconsideration is requested.

Claims 13 and 14 depend upon claim 1, which recites "a position detector having a first member mounted on the photographic lens member and a second member mounted on the board to detect a relative position of the photographic lens member and the board." As discussed above, Palum does not consider vibration reduction or the use of position detectors. Additionally, Chigira does not disclose the claimed feature. Chigira does not contemplate using position sensor members, one located on the lens member and one located on the circuit board, to detect the position of the lens relative to the circuit board. Therefore, it is respectfully submitted that a required prima facie §103 rejection of claims in the present application has not been presented in the outstanding Office Action.

As such, it is respectfully submitted that the combination of Palum and Chigira does not disclose or suggest "a position detector having a first member mounted on the photographic lens member and a second member mounted on the board to detect a relative position of the photographic lens member and the board" as recited in claim 1. For similar reasons, it is respectfully submitted that, since the combination does not disclose or suggest the invention recited in claim 1, the combination does not disclose or suggest the invention recited in claims 13 and 14, which depend from claim 1.

PATENTABILITY OF NEW CLAIMS:

Claims 19 and 20 are deemed patentable due at least to their depending from amended independent claim 1. Independent claim 21 is deemed patentable at least due to the camera having the features of "a position detector having a first member mounted on the photographic lens member and a second member mounted on the board to detect relative position of the photographic lens member and the board." Similarly, independent claim 28 recites an image-capturing method comprising "detecting a relative position of the photographic lens member and the board by a position detector, the position detector having a first member mounted on the photographic lens member and a second member mounted on the board." Claims 22-27 and 29-33 are deemed patentable due to at least their depending from independent claims 21 and 28.

WITHDRAWN CLAIMS:

Since it is believed generic independent claim is in condition for allowance at this time, it is further submitted that the previously withdrawn dependent claims 6-7 and 15-16, directed to non-elected species, should now also be in condition for allowance in this application at this time.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.


There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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